

IN SENATE OF THE UNITED STATES,

DECEMBER 20, 1820.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the petition of Presley Kemper, made

REPORT:

That the petitioner represents himself to have acted as wagon-master in the brigade commanded by general Hull, in the late war, and that he was only allowed, in his settlement with the United States, the compensation of a wagon-master, while he claims that of a principal wagon-master. It appears, from the annexed report from the Third Auditor of the Treasury, that the officer under whom the petitioner acted, could not lawfully have conferred on him the appointment of principal wagon-master, nor could such an appointment lawfully have been attached to a brigade. The petitioner also claims a balance of fifteen dollars, the difference between the valuation of the petitioner's horse and equipments on entering the service and at the time of general Hull's surrender. This part of the claim was settled by the late Commissioner of Claims, as will be seen by reference to the annexed report of the Auditor as aforesaid. The committee presume that settlement was governed by the usual principles, and it is believed those which governed the commissioner were liberal in relation to claimants. No other evidence is offered but what was before the commissioner; and the committee approve of his decision. Both these claims have been settled by the accounting officers of the government; and the committee believe, independently of their trifling amount, when no new evidence is produced, legislative interference would be of the most evil tendency. They therefore submit the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

TREASURY DEPARTMENT,

Third Auditor's Office, December 4, 1820.

SIR: I have the honor to return to you the petition and accompanying documents of Presley Kemper, which you referred to this office, and to report:

That the petitioner was mustered and paid as a wagonmaster in the army commanded by Brigadier General Hull, as appears by documents in this office, from the 29th April, 1812, to 29th April, 1813, he being considered as engaged for one year, the same as the Ohio volunteers which composed a part of General Hull's command, who were paid for the whole year's service, though surrendered on the 16th of August, 1812. The present claim is for the difference of pay between a wagonmaster and a principal wagonmaster for the above period of twelve months. On the exhibit of the claim at this office, its allowance was refused, on the grounds that the petitioner had already been paid in the capacity in which he had been mustered, and by the officer who appointed him, and that he could not receive any additional allowance. The accompanying testimony was then produced, to show that the petitioner acted as principal wagonmaster; this was not deemed sufficient, but the original appointment was called for; which could not be produced, on the ground stated by the appointing officer, General Taylor, that it had been lost or mislaid, if not delivered to the petitioner. The same officer states: "If Mr. Kemper's appointment, as recorded on the muster roll, does not state him principal wagonmaster, it was because he had doubts whether he had authority to appoint him a principal wagonmaster, or whether the law justified such an appointment, except serving with the main army." On reference to the act of Congress establishing a quartermaster general's department, passed 28th of March, 1812, section 12, the quartermaster general of the army was authorized to appoint one principal wagonmaster and as many wagonmasters as the service might require, not exceeding one to each brigade. General Taylor was settled with as a deputy quartermaster general; and, independent of the fact that in the United States army there was already a principal wagonmaster employed, it is presumed General Taylor took a correct view of his authority in doubting whether it extended to the appointment of a principal wagonmaster. But, if even the claimant had been mustered as a principal wagonmaster, would the command, being that of a brigadier general, authorize such appointment—or rather, does not the law contemplate to such command a wagonmaster, and not a principal wagonmaster?

The other claim of the petitioner is for the difference between the valuation of his horse, saddle, &c. on the 20th of June, 1812, and that at which they were valued when surrendered. The claim of the

petitioner, for the horse, &c. surrendered, was settled by the late Commissioner of Claims, and the latter valuation governed him in the settlement, the grounds of which allowance will be found in the certified copy of the document, with the petition, marked A.

With great respect,

Your obedient servant,

PETER HAGNER, *Auditor.*

The Hon. WM. H. CRAWFORD,

Secretary of the Treasury.

A.

We, the subscribers, being called on by Presley Kemper, to appraise and value his horse and accoutrements, then in the use and employ of the United States; we do, therefore, value the said property, agreeable to the best of our judgments, as follows:

1 sorrel horse	-	-	\$ 80
1 saddle, &c.	-	-	35
1 pair holsters and pistols	-	-	25
			— \$ 140

June 20th, 1812.

C. WALKER,
JAMES A. SLOAN.

STATE OF OHIO, HAMILTON COUNTY, SS.

Before me, the undersigned, a justice of the peace for the town of Cincinnati, county and state aforesaid, came personally Christopher Walker, one of the appraisers to the attached bill of appraisement, who states that he was called on by the quartermaster general, or one of his deputies, to value and appraise, in conjunction with captain Sloan, of the Cincinnati light dragoons, a horse, arms, and accoutrements, of Presley Kemper, the wagonmaster to general Hull's army, on their march to Detroit, in the year 1812, who says the said appraisement, amounting to one hundred and forty dollars, is just and true, agreeable to the best of his judgment.

C. WALKER.

Sworn and subscribed before me, at Cincinnati, this twentieth day of September, 1817.

JOHN MAHARD, *J. P.*

STATE OF OHIO, HAMILTON COUNTY, SS.

Before me, the undersigned, a justice of the peace, came personally Presley Kemper, who made oath that he has not received compensation from the United States, in any way, for his horse, arms, and accoutrements, which were surrendered at Detroit, August 16th, 1812, by general Hull, nor the amount of the horse of his father, which he is authorized to receive, and that the above charges are accurate and just.

PRESLEY KEMPER.

Sworn and subscribed before me, this twentieth day of November, 1817.

JOHN MAHARD.

Justice of the Peace.

(ENDORSED.)

Presley Kemper for horse, arms, and accoutrements taken at Detroit, on the surrender of general Hull, on the 16th August, 1812, - - - - - \$ 140

It is necessary to show that claimant was in service under general Hull, and taken, with the above property, from rolls in the office of third Auditor, or other testimony.

R. B. LEE, C. C. &c.

Presley Kemper was a wagonmaster, and his horse, saddle, and bridle appear to have been estimated at \$ 100.

PETER HAGNER, *Auditor.*

The valuation referred to is taken from the protest made by general Taylor, at Detroit, on the 1st September, 1812; and the variation between that and the original appraisement made, it may be supposed, arose from the difference of time in which they were made.

P. H.

Presley Kemper having proved the value of his arms to have been \$ 25, and sworn to their loss, the proof is considered as sufficient for \$ 125.

R. B. LEE, C. C. &c.

December, 13, 1817.

I certify the foregoing to be true copies of the originals on file in this office.

PETER HAGNER, *Auditor.*

*Treasury Department,
Third Auditor's Office, 2d February, 1820.*